

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARIJA PAUNOVIC, DUSAN
PAUNOVIC,

Plaintiffs,

v.

OBI SEAFOODS LLC, OCEAN
BEAUTY SEAFOODS LLC,

Defendants.

CASE NO. C21-884 MJP

ORDER GRANTING MOTION TO
FOR EXTENSION OF TIME

This matter comes before the Court on Defendants' Motion for Extension of Time to File Response to Complaint. (Dkt. No. 7.) Having reviewed the Motion, Plaintiffs' Opposition (Dkt. No. 8), the Reply (Dkt. No. 10), and all supporting materials, the Court GRANTS the Motion.

The Parties in this case agreed to extend Defendants' response to the complaint to July 26, 2021. (Opp. at 1.) The claimed need for the extension stems from the reduced schedule of counsel (including a surgery) and the high demand on Defendants' time during the peak fishing season. (Mot. at 2.) After obtaining the first extension, Defendants then requested another extension to August 3, 2021. (Id.) Plaintiffs countered this request by asking for Defendants'

1 agreement to toll the statute of limitations in exchange for the requested extension. (Opp. at 1-2.)
2 Defendants did not respond until August 9, 2021, when they rejected the proposal and asked for
3 yet more time to respond to the complaint—until August 16, 2021. (Id. at 2.) Plaintiffs rejected
4 this request given their concern about tolling. (Id.) Defendants then filed this Motion, though
5 they ultimately filed an answer to the complaint on August 16, 2021. (Dkt. No. 9.) Plaintiffs have
6 indicated that they will not seek default against Defendants notwithstanding the delay in the
7 filing of the answer. (Opp. at 2.)

8 Given the claimed demands on Defendants' time caused by the busy fishing season, the
9 Court finds sufficient grounds to extend the answer deadline to August 16, 2021. On this basis,
10 the Court GRANTS the Motion, extends the answer deadline to August 16, 2021, and accepts the
11 answer as timely filed.

12 Though not dispositive, the Court does not find good cause to extend the answer deadline
13 based on counsel's claim reduced availability. Counsel owes a duty to provide legal services in a
14 timely manner which complies with the Federal Rules of Civil Procedure and must use all
15 resources available to do so.

16 Lastly, the Court provides no ruling on the question of tolling of the statute of limitations,
17 which must be raised by separate motion, if at all.

18 The clerk is ordered to provide copies of this order to all counsel.

19 Dated August 27, 2021.

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21 Marsha J. Pechman
22 United States Senior District Judge
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